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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,807	08/22/2000	Yumiko Kato	865.4491	9125

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EXAMINER

NGUYEN, THONG Q

ART UNIT PAPER NUMBER

2872

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,807

Applicant(s)

KATO, YUMIKO

Examiner

Thong Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2002 and 21 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 20-38 and 60-62 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-56, 63 and 64 is/are allowed.
- 6) ☒ Claim(s) 1 and 57 is/are rejected.
- 7) ☒ Claim(s) 2-19, 58 and 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/2002 has been entered.

Response to Amendment

2. The present Office action is made in response to the Amendment (Paper No. 12) filed on 10/22/2002.

Specification

3. The lengthy specification lengthy specification which was amended by the Amendment has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto (U.S. Patent No. 5,678,080, of record).

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Miyamoto discloses a camera having a case supporting a viewfinder. The viewfinder as described in columns 4-5 and shown in figures 9-10 comprises an objective lens unit (11) for forming an inverted image (43a) of an object (43); an image inverting unit (41 and 45) for inverting the inverted image (43a) to non-inverted erecting image (43d). The image inverting unit (41 and 45) comprises two transparent bodies wherein the first transparent body (41) has only a function of transmitting a ray of light and a second body has only a function of reflection of a light ray. With regard to the use of an eyepiece after the image inverting unit, in other embodiment, columns 2 and 7, figs. 1 and 11, Miyamoto teaches the use of an eyepiece lens unit for enlarging the image to be viewed by an observer. It is noted that the interval defined between the exit surface (41b) of the transparent body (41) and the entrance surface of the second transparent body (45) is not uniform; therefore, the viewfinder inside the camera as provided by Miyamoto will reduce/restrain creation of ghost images and decenter aberration caused by the interval between the two surfaces of the two transparent bodies forming the image inverting unit.

With regard to the feature that the second prism has a total reflective surface facing the first transparent body, such a feature is also read from the art of Miyamoto because the second transparent prism (45) has only one reflective surface and two transmissive surfaces wherein the only reflective surface does face to the first transparent body (41) and totally reflect the light ray.

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Allowable Subject Matter

6. Claims 39-56 and 63-64 are allowed over the cited art.
7. Claims 2-19 and 58-59 are objected to as being dependent upon a rejected base claim, but would be allowable if each claims 2 and 58 is rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance:

The device as claimed in each of claims 2/1 and 58/57/1 is patentable with respect to the cited art by the limitations concerning the structure of the image erecting unit located inside the viewfinder having an objective lens unit and an eyepiece unit. In particular, while the use of a pair of prism elements for inverting the image formed by an objective lens unit in a viewfinder wherein at least one surface of the prism element is rotationally-asymmetry is well known to one skilled in the art; however, the cited art does not disclose a pair of prism elements having both the following conditions: 1) at least one surface of the surfaces facing to each other of the two prisms is a rotationally-asymmetric surface; and 2) one of the prism has only a function of transmission a light beam.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Response to Arguments

9. Applicant's arguments filed on 10/22/2002 have been fully considered but they are not persuasive.

It is noted that applicant has argued that the art of Miyamoto does not disclose that the second prism has a surface facing the first transparent body wherein the surface is a total-reflection surface. The Examiner respectfully disagrees and respectfully invited the applicant to review the art of Miyamoto. In particular, Miyamoto discloses that the second transparent prism (45) has only one reflective surface and two transmissive surfaces wherein the only reflective surface does face to the first transparent body (41) and totally reflect the light ray.

Conclusion

10. The U.S. Patent No. 6,282,381 is cited as of interest in that it discloses a viewfinder having an image erecting prism system comprises two prism elements wherein one of the prism has only transmitting function.

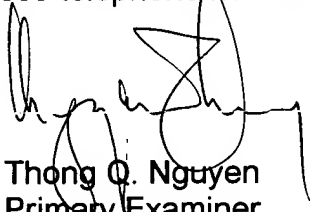
11. This application contains subject matter which is in condition for allowance except for the presence of claims 20-38 and 60-62 to an invention non-elected with traverse in Paper No. 7. Applicant should cancel the noted claims or take other appropriate action (37 CFR 1.144) in response to this Office action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (703) 308-4814. The examiner can normally be reached on M-F.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



Thong Q. Nguyen
Primary Examiner
Art Unit 2872

January 28, 2003